IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

SECOND APPEAL NO. 726 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. A.A. Kumbhakoni for the appellants.
Mr. K.Y. Mandlik for respondent No.1.

CORAM : ANOOP V. MOHTA, J.

DATE : 16.12.2005

. This is the Second Appeal field by original defendant No.2, as the suit file by the respondent/plaintiff was decreed and the defendants have been directed to deliver the possession of the suit premises to the plaintiff within one month from the date of the order. Further liberty was granted to plaintiff for mesne profit. The Appellate Court dismissed the appeal, by holding that the plaitniffs have proved that defendants 1

and 2 , unauthorizedly occupied the suit premises and therefore, granted the decree of possession. The Appellate Court has also negatived the case of defendant No.2 that the suit premises is the part and parcel of the Block No.3 and they are entitled to retain the same.

2. Heard, the learned Counsel appearing for the parties. After considering the reasoning given by the Courts below, there is no perversity, which needs to be interfered with when the reasoning and findings are based on the evidence and facts arrived at by both the Courts below.

3. Taking all this into account that there is no substantial questions of law, which can be said to be agitated in the present appeal. The appeal is therefore, dismissed.

(ANOOP V.MOHTA,J.]